

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 701586-52522 U.S. APPLICATION NO. (If known, use 37 CFR 1.5) 107509533
INTERNATIONAL APPLICATION NO. PCT/US2003/008743	INTERNATIONAL FILING DATE 25 March 2003 (25.03.2003)	PRIORITY DATE CLAIMED 25 March 2002 (25.03.2002)
TITLE OF INVENTION METHOD OF USING ANTI-APOPTOTIC FACTORS IN GENE EXPRESSION		
APPLICANT(S) FOR DO/EO/US THE TRUSTEES OF BOSTON UNIVERSITY; WAXMAN, David J. and SCHWARTZ, Pamela S.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: <small>Exp. Mail Cert ET86871267US; COPY-Cert. of Limited Recognition; Form 308; Form 304; coversheet WO2003/083052; COPY-Int'l Search Report; COPY-References A1-A3, B1 and C1; COPY-Sequence Listing; COPY-Statement Accompanying Sequence Listing; Return Receipt Postcard</small>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO-1390 (Rev. 07-2004)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="font-size: 2em; font-weight: bold; margin-left: 50px;">107509533</div>		INTERNATIONAL APPLICATION NO. PCT/US2003/008743		ATTORNEY'S DOCKET NUMBER 701586-52522																															
21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1080.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">CALCULATIONS</th> <th style="text-align: left;">PTO USE ONLY</th> </tr> <tr> <td style="height: 150px; vertical-align: bottom;"> \$ 730.00 </td> <td></td> </tr> <tr> <td style="height: 40px; vertical-align: bottom;"> \$ 130.00 </td> <td></td> </tr> <tr> <td style="height: 40px; vertical-align: bottom;"> \$ 288.00 </td> <td></td> </tr> <tr> <td style="height: 40px; vertical-align: bottom;"> \$ 344.00 </td> <td></td> </tr> <tr> <td style="height: 40px; vertical-align: bottom;"> \$ 0.00 </td> <td></td> </tr> <tr> <td style="height: 40px; vertical-align: bottom;"> TOTAL OF ABOVE CALCULATIONS = </td> <td></td> </tr> <tr> <td style="height: 40px; vertical-align: bottom;"> \$ 746.00 </td> <td></td> </tr> <tr> <td style="height: 40px; vertical-align: bottom;"> SUBTOTAL = </td> <td></td> </tr> <tr> <td style="height: 40px; vertical-align: bottom;"> \$ 0.00 </td> <td></td> </tr> <tr> <td style="height: 40px; vertical-align: bottom;"> TOTAL NATIONAL FEE = </td> <td></td> </tr> <tr> <td style="height: 40px; vertical-align: bottom;"> \$ 0.00 </td> <td></td> </tr> <tr> <td style="height: 40px; vertical-align: bottom;"> TOTAL FEES ENCLOSED = </td> <td></td> </tr> <tr> <td style="height: 40px; vertical-align: bottom;"> Amount to be refunded: </td> <td>\$</td> </tr> <tr> <td style="height: 40px; vertical-align: bottom;"> Amount to be charged: </td> <td>\$</td> </tr> </table>		CALCULATIONS	PTO USE ONLY	\$ 730.00		\$ 130.00		\$ 288.00		\$ 344.00		\$ 0.00		TOTAL OF ABOVE CALCULATIONS =		\$ 746.00		SUBTOTAL =		\$ 0.00		TOTAL NATIONAL FEE =		\$ 0.00		TOTAL FEES ENCLOSED =		Amount to be refunded:	\$	Amount to be charged:	\$
CALCULATIONS	PTO USE ONLY																																		
\$ 730.00																																			
\$ 130.00																																			
\$ 288.00																																			
\$ 344.00																																			
\$ 0.00																																			
TOTAL OF ABOVE CALCULATIONS =																																			
\$ 746.00																																			
SUBTOTAL =																																			
\$ 0.00																																			
TOTAL NATIONAL FEE =																																			
\$ 0.00																																			
TOTAL FEES ENCLOSED =																																			
Amount to be refunded:	\$																																		
Amount to be charged:	\$																																		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00																															
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$																															
Total claims	36 - 20 =	16	X \$18.00	\$ 288.00																															
Independent claims	7 - 3 =	4	X \$86.00	\$ 344.00																															
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$290.00	\$ 0.00																															
TOTAL OF ABOVE CALCULATIONS =				\$ 1,492.00																															
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 746.00																															
SUBTOTAL =				\$ 746.00																															
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00																															
TOTAL NATIONAL FEE =				\$ 746.00																															
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 0.00																															
TOTAL FEES ENCLOSED =				\$ 746.00																															
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.				Amount to be refunded: \$																															
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>50-0850</u> in the amount of \$ <u>746.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.				Amount to be charged: \$																															
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0850</u> . A duplicate copy of this sheet is enclosed.																																			
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.																																			
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.																																			
SEND ALL CORRESPONDENCE TO: Ronald I. Eisenstein Nixon Peabody LLP 100 Summer Street Boston, MA 02110																																			
<div style="text-align: right;"> SIGNATURE Ronald I. Eisenstein/Leena H. Karttunen NAME 30,628/10.9(b) REGISTRATION NUMBER </div>																																			

Practitioner's Docket No. 701586-52522

PATENT

IN THE UNITED STATES RECEIVING OFFICE

PCT/US03/08743	25 March 2003 25.03.2003	25 March 2002 (25.03.2002)
International Application Number	International Filing Date	International Earliest Priority Date

TITLE OF INVENTION: METHOD OF USING ANTI-APOPTOTIC FACTORS IN
GENE EXPRESSIONAPPLICANT(S) FOR EO/DO: THE TRUSTEES OF BOSTON UNIVERSITY
INVENTOR(S)/APPLICANT(S) FOR US: David J. WAXMAN and Pamela S. SCHWARTZVERIFIED CERTIFICATION OF EXPRESS MAILING DATE
(INTERNATIONAL APPLICATION (37 C.F.R. section 1.10(c))

I declare that, on September 23, 2004 I deposited, with the United States Postal Service, in an envelope "Express Mail, Post Office to Addressee," bearing Label Number ET 868713267 US, addressed to the "MAIL STOP PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450," and having an express mail certification that I executed, the following papers:

1. Express Mail Certificate ET 868713267 US (1 pg.);
2. COPY-Certificate of Limited Recognition (1 pg.);
3. Transmittal Letter to the U.S. Receiving Office Concerning a Filing Under 35 U.S.C. 371 (3 pp.);
4. Application Data Sheet (3 pp.);
5. Preliminary Amendment (7 pp.);
6. PCT/IB/Form 308 (1 pg.);
7. PCT/IB/Form 304 (1 pg.);
8. PCT/IB/Form 409 (3 pp.);
9. Published PCT WO 03/083052 A2 (coversheet only, 1 pg.);
10. International Search Report - Form PCT/ISA 210 (5 pp.);
11. Sequence Listing (paper copy 3 pp. and computer disk);
12. Statement Accompanying Sequence Listing (1 pg.);
13. Information Disclosure Statement, including Form PTO/08a and b (4 pp.);
14. Copy of citations A1-A3, B1 and C1 cited in International Search Report; and
15. Return Receipt Postcard.

A copy of these papers from the file of this application is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date: September 23, 2004
Linda M. Ginsberg

(type or print name of person certifying)